



## Nepal

### International Religious Freedom Report 2007

Released by the Bureau of Democracy, Human Rights, and Labor

Nepal is a secular state under the Interim Constitution, which was promulgated on January 15, 2007. The Interim Constitution provides for freedom to practice one's religion. The Interim Constitution also specifically denies the right to convert another person. The now-defunct constitution of 1990, which was in effect until January 15, 2007, described the country as a "Hindu Kingdom," although it did not establish Hinduism as the state religion. The Government generally did not interfere with the practice of other religious groups, and religious tolerance was broadly observed; however, there were some restrictions.

The Government took positive preliminary steps with respect to religious freedom during the period covered by this report, and government policy contributed to the generally free practice of religion. The Interim Parliament, through the Interim Constitution, officially declared the country a secular state in January 2007; however, no laws specifically affecting freedom of religion were changed. Nonetheless, many believed that the declaration made it easier to practice their religion freely. However, members of minority religious groups occasionally reported police harassment. Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious belief or practice. Those who converted to another religious group at times faced violence and occasionally were ostracized socially but generally did not fear to admit their affiliations in public.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups.

#### Section I. Religious Demography

The country has an area of 54,363 square miles and a population of 28 million. Hindus constitute approximately 81 percent of the population; Buddhists, 11 percent; Muslims, the majority Sunni, 4.2 percent; and practitioners of Kirant (an indigenous animist religion) and others, 4 percent, of which 0.45 percent are Christian. Christian leaders conservatively estimated their number of adherents at more than 800,000. Press reports indicated that there are more than 170 Christian churches operating in Kathmandu alone. According to the chairman of the Madrassah Islamiyah Association, there are almost 2,500 madrassahs. Twenty thousand Tibetan Buddhist refugees reside in the country.

There were no missionaries officially operating in the country.

#### Section II. Status of Religious Freedom

##### Legal/Policy Framework

The Interim Constitution provides for freedom of religion and permits the practice of all religious groups; however, there are some restrictions. The Interim Parliament declared the country a secular state in the Interim Constitution in January 2007. The previous constitution described the country as a "Hindu Kingdom," although it did not establish Hinduism as the state religion. Article 23 of the Interim Constitution protects the rights of all religious groups by guaranteeing the individual the right "to profess and practice his/her own religion as handed down to him/her from ancient times having due regard to traditional practices." It also states "no person shall be entitled to convert another person from one religion to another and shall not take actions or behave in a way that would create disturbance in another's religion."

The Interim Constitution maintains the stipulation from the 1990 constitution that no one can be discriminated against

based on caste. In 2002 the previous government constituted a National Dalit Commission charged with protecting and promoting Dalit (formerly called "untouchable") rights and ensuring active participation of the Dalit community in the development of the country. Before the People's Movement in April 2006, which led to removal of the King and his government, the Commission devised legal and policy arrangements for Dalit rights, made recommendations to implement international conventions to which the country is a party, monitored and coordinated Non-Governmental Organizations (NGOs) on efforts to uplift Dalits, and launched programs on social awareness to end social discrimination and untouchability. After the success of the People's Movement, many members of the Commission were accused of being royalist and resigned, and the Commission was unable to function. The Interim Government nominated 16 members to the Commission on June 3, 2007.

There are no specific laws favoring the Hindu majority, nor does the Government control the expression of Hinduism.

Although there were no registration requirements for religious groups, there were legal registration requirements for NGOs. Organizations had been prohibited from registering if their names contained religious words. However, this began to change in April 2007 when the Government allowed the registration of an organization with the word "Bible" in its title. Christian, Muslim, and Jewish religious organizations claimed that, unless registered, such organizations were restricted from owning land, an important step for establishing churches, mosques, synagogues, or burial sites. An organization that provides religious services and kosher foods to Jewish adherents (generally tourists) complained that the organization was not able to legally register as a religious organization and its workers had to enter the country on business visas.

Proselytizing remained illegal. There are officially no foreign missionaries; however, for decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations did not proselytize, and otherwise operated freely. Missionary schools were among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. The Government enforced these immigration laws; if foreign workers were found to proselytize, they were expelled from the country. There were no expulsions during the reporting period. Many foreign Christian organizations had direct ties to local churches and sponsored pastors for religious training abroad.

Some holy days, most of them Hindu, were recognized as national holidays. These were Mahashivaratri, Buddha Jayanti, Falgun Purnima, Krishna Asthami, Dasain, and Tihar.

Although public schools did not teach religion, most had a statue of Saraswati, the Hindu goddess of learning, on their grounds. Many began the day with a Hindu prayer to the goddess.

The Government had no formal policy on interfaith understanding. A local NGO, the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Christian, and Baha'i faiths, was active in promoting peace in the country.

#### Restrictions on Religious Freedom

Tibetan Buddhists faced various restrictions on their celebrations. Local authorities generally restricted celebration of Tibetan religious festivals to private property. Police in Kathmandu prohibited Tibetans celebrating the New Year from carrying pictures of the Dalai Lama around an important Buddhist temple as part of religious ceremonies. The Government also restricted all other non-religious local Tibetan celebrations (Tibetan New Year, the Dalai Lama's birthday, and Democracy Day) to private property. On March 10, 2007, however, the Tibetan community was allowed to march freely in the street, demanding "freedom and justice for Tibet." During the reporting period, the Government revoked the legally obtained registration of a welfare office to look after Tibetan refugees (a lawsuit was pending at the end of the reporting period) and did not allow the registration of an office to represent the Dalai Lama. The welfare office previously looked after more than 20,000 Tibetan refugees who left their homeland after the Dalai Lama fled Tibet in 1959.

The law prohibits converting others and proselytizing; these activities are punishable by fines, imprisonment, or, for foreigners, expulsion. However, personal conversion is allowed. Some Christian and Muslim groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the Government investigated these reports.

There were no incidents of punishment for conversion or proselytism during the reporting period.

Madrasahs, but not mosques, are required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources to operate; they receive no government funding. Some Muslim leaders

criticized the move as discriminatory; however, the registration requirement has not been enforced. Muslims were not restricted from participating in the Hajj, although the Government did not subsidize the pilgrimage.

The Constitution prohibits discrimination on the basis of caste; however, the caste system strongly influences society. While the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination was frequently practiced at Hindu temples, where Dalits were forbidden from entering by some Hindu priests.

There were no restrictions on the selling or possession of religious literature.

Civil servants may take off religious holidays and celebrate them on private property without government interference.

There were no reports of religious prisoners or detainees.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

#### Persecution by Terrorist Organizations

The Communist Party of Nepal (Maoist) is a designated terrorist organization on the U.S. Government's "Terrorist Exclusion List" of the Immigration and Nationality Act and under Executive Order 13224.

On January 15, 2007, the Maoists joined the Interim Parliament with 83 appointed members. On April 1, 2007, an Interim Government was formed with Maoist participation. Maoist ministers headed five ministries in the Government, including the Ministry of Women, Children, and Social Welfare, which controls registration of NGOs, and the Ministry of Local Development, which controls development activities. At the end of the reporting period, it was unclear what effect, if any, this would have on religious freedom.

During the period covered by this report, Maoist insurgents restricted religious freedom in parts of the country. There were reports of Maoists enforcing a "people's calendar" in schools that did not allow for religious holidays. Maoists sometimes demanded the use of religious organization facilities for their indoctrination programs, threatening to padlock the buildings if their demands were refused. There were also reports that they used Hindu temples as facilities for the Maoist-run "People's Courts."

There were scattered reports of Maoist insurgents attacking Hindu temples and harassing Hindu priests during the reporting period.

Christian organizations reported several cases where Maoists extorted cash from churches. The Maoists threatened retribution against church property and church members if the congregations did not meet their demands. Some churches complied with the demands, while others refused.

In October 2006 Maoists closed the Kashi Gaun Church in Kashi village, Gorkha. Local religious Lamas were concerned that if persons converted to Christianity, they would abandon their traditional religious beliefs. Maoists took advantage of this dispute between the Lamas and the locals to close the church. Members of the Nepal Interreligious Council visited Gorkha and met with religious and district leaders. They convinced local leaders that since the country is a secular state, they should not impose restrictions on freedom of religion. Eventually the Maoists agreed to reopen the church in February 2007.

On September 24, 2006, Maoists used a Hindu temple as the venue for their People's Court in Chandranigapur, Rautahat District.

On August 21, 2006, a group of Maoists disrupted a religious function organized by a pro-Hindu organization in Bhairahawa, accusing the group of attempting to reestablish the monarchy.

On September 21, 2005, a group of armed Maoists attacked and vandalized Ramchandra Temple in Muga village of Dhankuta District.

In May 2005 Narayan Pokharel, President of the country's branch of the World Hindu Council, was killed in the District of Rupandehi, approximately 300 kilometers (175 miles) from Kathmandu. Although no one claimed responsibility, police suspected the involvement of Maoist rebels. No one was charged in the case.

On December 29, 2004, Maoists shot and killed Arun Budhathoki, Chief of Shiv Sena Nepal, a Hindu religious organization, in Nepalgunj, Banke District. No one was charged with the crime.

On September 12, 2004, Maoists exploded a bomb and forced the closure of St. Joseph's school in Pokhara. No case was filed.

In September 2004 Maoist threats prompted the temporary closing of 21 churches in Sankhuwasabha District.

### Section III. Societal Abuses and Discrimination

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship. Most Hindus respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and his birthday is a national holiday. However, some Christian groups reported that Hindu extremism increased in recent years, especially since the Parliamentary declaration of the country as a "secular state" instead of a "Hindu Kingdom." Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. This group was accused of playing a role in the violence in the Terai, the southern area of Nepal along the border with India, in late 2006 and early 2007.

Some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern. There were unconfirmed reports that Maoists suppressed religious observance in areas under their control through intimidation and harassment.

Those who chose to convert to other religions, in particular Hindu citizens who converted to Islam or Christianity, were sometimes ostracized. They occasionally faced isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. While this prejudice was not systematic, it was occasionally violent. Nevertheless, converts generally were not afraid to publicly admit their new religious affiliations.

Although such discrimination is prohibited by the Constitution, the caste system strongly influenced society. Societal discrimination against members of lower castes and Dalits remained widespread despite the Government's efforts to protect the rights of disadvantaged castes. Lower castes also experienced discrimination in many other areas of life, including education, employment, and marriage. Other religious communities did not practice caste discrimination. Entrance into many Hindu temples was often restricted for persons not of South Asian ethnicity, who are unlikely to be Hindu.

On April 11, 2007, the Ministry of Education and Sports reported that Dalit students in Parbat District had been refused admission to the high school completion examination based on their caste. The Ministry said it would take action against those involved; however, at the end of the reporting period, the Ministry had not done so.

On March 4, 2007, more than 100 Dalit families were forced to leave their village in Rautahat District after a clash between a Dalit and a higher caste individual during a religious festival. The families returned to their village on March 8 after police, human rights activists, and Dalit organizations intervened.

In October 2006 a Dalit family in Doti District was banished from its community because family members refused to play music (their traditional role) during a Hindu religious celebration. The family took refuge in a neighboring village.

### Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups. The Embassy closely monitored religious freedom and raised the issue with the Government when appropriate.

Released on September 14, 2007

[International Religious Freedom Report Home Page](http://www.state.gov/g/drl/rls/irf/2007/90232.htm)